

REMARKS/ARGUMENTS

Claims 1-22 are presently pending in the application. Only a minor amendment has been made to claim 19 to correct an error in the lettering of the claim elements.

Rejection of Claims 1-5 and 12-15

The Office Action rejected claims 1-5, and 12-15 under 35 U.S.C. §103(a) as being unpatentable over Labonte, Jr. in combination with Mason et al. The Office Action admitted that “Labonte, Jr. does not teach using hydrologic controls responsive to predetermined fluid levels in the dilution chamber or specifically generating chlorine dioxide.” (Office Action, page 3). To supply this deficiency of the Labonte, Jr. reference, the Office Action cites to Mason et al. The Office Action states that the invention claimed “would have been obvious from the combined teachings of Labonte and Mason et al. . . .” (Office Action, page 4). In support of the obviousness rejection, the Office Action further states:

Although, neither Labonte or Mason specifically teach using float valves, the valves employed in combination with the eductor functions equivalently to applicant float control valves thus rendering the invention as a whole obvious to one having ordinary skill in the art at the time the invention was made.

(Office Action, page 4).

Applicants respectfully suggests that the Office Action has failed to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. MPEP 2143. Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest

all the claim limitations. *Id.* The Applicant respectfully submits that the Examiner has failed to establish the third criteria; that the prior art references teach or suggest all of the claim limitations.

The claims of the present invention expressly require “hydrologic controls for hydrologically controlling” the flow of reactants. The valves utilized in the Labonte, Jr. and Mason references cannot be fairly characterized as teaching or suggesting hydrologic controls.

Labonte, Jr. is a device which uses an eductor and rotameter to meter the flow of a single disinfectant chemical into a water flow. Labonte, Jr. does not even have two reactants, much less hydrologic controls for controlling the flow of two reactants. Labonte, Jr. does not teach or suggest the use of hydrologic controls for hydrologically controlling the flow of two reactants, as claimed in the present invention.

Mason suffers the same deficiency. Mason utilizes two reactants which are drawn by an eductor into a reaction column and ultimately dispensed into a water stream. Mason does not teach or suggest the use of hydrologic controls. Mason uses simple, mechanical metering valves to control the flow rate of the reactants. Such metering valves cannot fairly be characterized as “hydrologic controls for hydrologically controlling the flow” of two reactants, as claimed in the present invention.

The combination of references cited in the Office Action fail to disclose all elements of the claimed invention. As such, the Office Action does not establish a *prima facie* case of obviousness. Accordingly, applicants request that the rejection be withdrawn and all pending claims passed to issue.

Objection to Claims 6-11 and 16-22

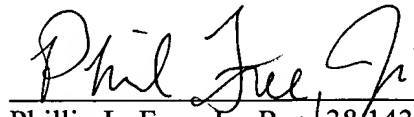
The Office Action stated that claims 6-11 and 1-22 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants appreciate the indication by the Examiner that the application contains allowable subject matter. However, because applicants believe they have traversed the grounds for rejecting the base claims in the present application, the amendments suggested by the Office Action have not been made at this time to avoid amendments to the claims that may ultimately be unnecessary. If, however, the Examiner does not deem the arguments presented in this Response to be persuasive, applicants are willing to enter the suggested amendments, either by Examiner's amendment or in Response to a future Office Action.

Conclusion

Applicants believe that the application is now in condition for allowance and request reconsideration and issuance of the application.

Respectfully submitted,

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